

R 400.1802 Care-giving staff and day-care home family; qualifications and responsibilities.

Rule 2. (1) A caregiver shall comply with all of the following provisions:

- (a) Be 18 years of age or older.
 - (b) Be responsible for providing appropriate care and supervision of children at all times.
 - (c) Be present in the home and provide direct care and supervision to each child for the majority of time the child is in care.
 - (d) Have an arrangement with a person who is 18 years of age or older to assist as a care-giving staff person in an emergency situation.
 - (e) Provide the department with the name of any person who lives in the home or who cares for children and who has been convicted of a crime other than a minor traffic violation or who has been involved in substantiated abuse or neglect of children.
 - (f) Provide the department with a written statement verifying a person's personal fitness to care for, or to be associated with, children for any person who lives in a home or who cares for children and who has been treated on an inpatient or outpatient basis for an emotional or mental problem during the last 2 years. Such statement shall be obtained from the medical or mental health professional who is directly involved in the treatment plan or the administrative director of the mental hospital or mental institution.
 - (g) A current license or certificate of registration shall be posted in a conspicuous place.
- (2) An assistant caregiver shall be 14 years of age or older. When a 14 or 15-year-old person is used as an assistant caregiver, a parent of an enrolling child or a parent of a child in care shall be informed of the age of the assistant caregiver.
- (3) A care-giving staff member shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection.
- (4) A caregiver or assistant caregiver who is 18 years of age or older shall be present in the home at all times when children are in care.
- (5) When day-care children are up and awake, care-giving staff shall be up and awake providing adequate supervision and care as required by this rule and R 400.1803.
- (6) The day-care home family shall be of good moral character and be suitable to assure the welfare of children.
- (7) The day-care home applicant, registrant, or licensee shall authorize the department to conduct a criminal history and protective service background check to assess the good moral character and suitability of the day care home family.

R 400.1803 Ratio of care-giving staff to children.

Rule 3. (1) The ratio of care-giving staff to children present in the home at any one time shall be not less than 1 care-giving staff member to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:

- (a) Children of the assistant caregiver.
 - (b) Children of the caregiver.
 - (c) Children related to any adult member of the day-care home family by blood, marriage, or adoption.
- (2) Within any group of 5 or 6 children in the care of a caregiver, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.
- (3) A group home may have 3 caregivers, each of whom would have responsibility for not more than 4 children under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.
- (4) Subrules (2) and (3) of this rule take effect 6 months after the effective date of these rules.

R 400.1804 Discipline and child handling

Rule 4. (1) A caregiver shall review with a parent the methods of child handling and discipline to be used with children in care. This policy shall not include any child handling or disciplinary methods that are prohibited by law or these rules. This policy shall be in writing

and provided to all parents of children in care. The provider shall keep a signed statement on file which states that a parent has received a copy of the policy.

(2) All of the following methods of handling children in care are prohibited.

(a) Physical force or any other form of corporal punishment, including spanking.

(b) Restricting a child's movement by binding or tying him or her.

(c) Using mental or emotional cruelty as a means to discipline a child.

(d) Withholding necessary food, rest, or toilet use.

(e) Confining a child in an area such as a closet or locked room.

(3) Moderate restraint may be used to prevent a child from harming himself or herself, to prevent a child from harming other persons or property, or to allow a child to gain control of himself or herself.

(4) This rule is not subject to a rule variance as specified in R400.1818.

R 400.1805 Daily activity program.

Rule 5. (1) A caregiver shall review the child's daily needs and activities, including toilet training, with a parent or parents.

(2) A caregiver shall provide a daily routine and activities in accordance with the age and needs of the individual child, including all of the following:

(a) Active and quiet play.

(b) Indoor and outdoor play as weather permits.

(c) Rest or sleep, or both.

(3) A home shall permit parents or legal guardians to visit at any time children are in care.

R 400.1806 Play equipment; sleeping accommodations; telephone access.

Rule 6. (1) A variety and number of toys, games, and other play equipment shall be available to the child and shall be safe and appropriate for a child at his or her stage of development.

(2) Each child shall have an individual, comfortable, safe, and clean place to sleep or rest.

The floor shall be used only when padded, warm, and free from drafts.

(3) A child who is 12 months of age or younger shall sleep or rest in a crib or playpen.

(4) A working telephone shall be accessible on the premises.

R 400.1807 Parent notification of accidents, illness, or disease required; isolation; sanitation.

Rule 7. (1) A caregiver shall promptly report to a parent any accidents, suspected illness, or other changes observed in the health of a child.

(2) A caregiver shall notify a parent of a child who is exposed to a communicable disease so that the child may be observed for symptoms of the disease.

(3) A care-giving staff member shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.

(4) Bedding that is used by an individual shall be laundered. Toys, utensils, a toilet, and a lavatory used by an ill individual shall be appropriately cleaned before being used by another child.

R 400.1808 Reports of accident illness, death, or fire.

Rule 8. (1) Within 24 hours of the accident or illness which results in emergency treatment or hospitalization at a health facility or which results in a death, a caregiver shall report, to the department, any accident or serious illness that occurs while a child is in care.

(2) Within 24 hours after the occurrence of a fire which results in the loss of property or personal injury, a caregiver shall report, to the department, any such fire that occurs in a home.

R 400.1809 Health records of children in care.

Rule 9. At the time of initial attendance, a caregiver shall obtain a health record for each child in care. The record shall contain all of the following:

- (a) Written permission, signed by a parent, to seek emergency medical care.
- (b) A statement, signed by a parent, that the child is free from communicable diseases.
- (c) Information as to the immunization and boosters, if any, completed or in progress as recommended by the department of public health.
- (d) For a child with a handicap or health problem, a statement signed by a parent that indicates the limits of participation in the daily activities that would be a risk to the child's health and any special needs or treatment.
- (e) A child whose parent, on religious grounds, objects to seeking emergency medical care, a physical examination, medical treatment or immunizations may be admitted to the home if the parent provides the home with a signed statement that the child appears to be in good health and that the parent assumes responsibility for the child's state of health while at the home, with the understanding that the parent be notified immediately when any treatment appears necessary.

R 400.1810 Medication; administrative procedures.

Rule 10. If medication is to be administered by a caregiver or assistant caregiver, all of the following procedures shall be followed:

- (a) Medication shall be given or applied only with prior written permission from a parent.
- (b) Medication shall be in the original container, stored according to instructions, and clearly labeled for a named child.
- (c) A caregiver shall keep the medication out of the reach of children and shall return the medication to the child's parent or destroy it when the parent determines it is no longer needed.
- (d) A caregiver shall give or apply the medication according to instructions provided.
- (e) A caregiver shall maintain a record as to the time and the amount of medication given or applied.

R 400.1811 Communicable disease; exclusion of care-giving staff and day-care home family from contact with children required.

Rule 11. A person who lives in a home or cares for children who has a suspected or a confirmed case of a communicable disease shall not come into contact with children in care.

R 400.1812 Health records of care-giving staff and day-care home family; record maintenance.

Rule 12. (1) A caregiver shall maintain a record that contains both of the following items:

- (a) For each care-giving staff member, a statement which is signed by a licensed physician or his or her designee and which attests to the health of the staff member. The statement shall be signed within the 12-month period before care giving and every 3 years thereafter.
 - (b) For all care-giving staff, and for other persons who are 14 years of age or older and who live in the home, written evidence of freedom from communicable tuberculosis that is verified with 1 year before caregiving and every 3 years thereafter.
- (2) If immunizations, as recommended by the department of public health, have not been given or completed for all minor children who live in the home, a caregiver shall so inform the parent of each child in care.
- (3) A caregiver shall, for a period of 3 years, retain the records required by subrule (1) of this rule and the name, address, and telephone number of all persons who provided child care in the home.

Rule 400.1813 Record maintenance, provision of rules to parents required.

Rule 13. (1) A caregiver shall obtain all of the following information at the time of a child's initial attendance:

- (a) The child's full name, date of birth, date of admission, and date of discharge.
- (b) The name of a parent or parents.
- (c) The home address and telephone number of parent.
- (d) The parent's or parents' business address, telephone number, and hours of employment.

(e) The name, address, and telephone number of the family physician or clinic and hospital preferred by the parent in an emergency.

(f) The name, address, and telephone number of another person to be notified in case of emergency.

(g) Health insurance identification information.

(h) The names of persons, other than a parent, to whom the child may be released.

(i) A child whose parent objects, on religious grounds, to providing physician, clinic, hospital, or health insurance information may be admitted to the home if the parent assumes responsibility for the child's state of health while at the home.

(2) The information specified in subrule (1) of this rule shall be retained for 3 years.

(3) A caregiver shall give each parent who places a child in a day-care home a copy of the family or group day-care home rules as furnished by the department. A caregiver shall maintain verification that each parent has received a copy of the rules.

R 400.1814 Indoor and outdoor space.

Rule 14. (1) A day-care home shall provide not less than 35 square feet per child of usable, accessible indoor floor space, exclusive of bathrooms and storage areas.

(2) Only space that is approved for child used by the department may be used for child care.

(3) There shall not be more than 2 continuous floors used by day-care children when only 1 caregiver is present.

(4) A day-care home shall provide an outdoor play area which is not less than 400 square feet and which is available on the premises or within a reasonable walking distance of the home.

R 400.1815 Nighttime care.

Rule 15. (1) In a home where children are in care between the hours of 12 midnight and 6 a.m., not more than 2 floor levels shall be used at any one time to sleep children. These 2 floor levels shall be adjoining.

(2) When both care-giving staff and day-care children sleep, at least 1 care-giving staff member shall sleep on the same floor level when there are children in care.

(3) Homes shall not use a third or higher floor as a resting or sleeping area for children in care unless there are 2 stairways to ground level.

R 400.1816 Concurrent licensing.

Rule 16. (1) A day-care home provider who is also licensed as a children's foster home provider shall so inform the parents of all day-care children in care.

(2) A day-care home that provides care for both child day care and foster care children shall not care for more than 8 children, including children who are under 17 years of age and who are related to the day-care provider by blood, marriage, adoption, or legal guardianship; foster children; and all other children who are cared for on a part-time or full-time basis.

R 400.1817 Advertising; inclusion of license or registration number.

Rule 17. A day-care home that advertises its services shall include its license or registration number in the notice.

R 400.1818 Rule variance.

Rule 18. (1) Upon written request of an applicant or registrant, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

(2) The decision of the department shall be entered upon the records of the department and a signed copy shall be sent to the applicant or registrant. A variance may remain in effect for as long as the registrant continues to comply with the conditions of the variance or may be time-limited.

R 400.1819 Rescission.

Rule 19. R 400.1301 to R 400.1321 of the Michigan Administrative Code, appearing on pages 3051 to 3056 of the 1979 Michigan Administrative Code, are rescinded.

PART 2. ENVIRONMENT

R 400.1821 Food.

Rule 21. (1) Each child shall be provided with nutritional food to meet each child's needs for growth and development. Foods shall be provided so that excessively long periods between meals and snacks do not occur.

(2) Food shall be prepared and stored in a safe manner.

(3) If a parent has agreed to provide the food, the caregiver shall have a written agreement from the parent and shall be responsible for providing adequate food if the parent does not.

(4) When home-canned foods and unpasteurized milk products are served, parents shall be informed.

R 400.1822 Home maintenance and safety; ventilation; bathroom facilities; water supply; sewage disposal.

Rule 22. (1) The structure, premises, and furnishings of a day-care home shall be maintained in a clean, safe, and comfortable condition.

(2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.

(3) All steps, stairs, porches, and elevated structures to which children in care have access shall be protected to prevent falls.

(4) Each room that is used by a day-care child shall have adequate ventilation. Windows and doors that are used for ventilation shall be screened.

(5) A day-care home shall have a minimum of 1 flush toilet and 1 washbasin with hot and cold running water.

(6) The water supply shall be from an approved source.

(7) All sewage shall be disposed of through a public system or, in the absence thereof, in a manner approved by the health authority.

PART 3. FIRE SAFETY

R 400.1831 Heat-producing equipment.

Rule 31. (1) All of the following items shall be maintained in a safe condition and shielded to protect against burns:

(a) A furnace.

(b) A water heater.

(c) Fireplaces.

(d) Pipes.

(e) Woodburning stoves.

(f) Other flame-producing or heat-producing equipment.

(2) Combustible materials and equipment shall not be stored within 4 feet of heat plants or combustible hot water heaters.

(3) Portable heating devices shall not be used when day-care children are in care.

(4) Furnaces or other flame or heat-producing equipment shall be inspected by any of the following entities:

(a) A licensed heating contractor.

(b) A qualified fire inspector.

(c) An insurance company.

(d) The department of labor.

(e) A local building inspector.

(5) For group day-care homes, the inspection specified in subrule (4) of this rule shall be conducted before a license is issued and every 2 years thereafter at the time of renewal. For family day-care homes, the inspection specified in subrule (4) of this rule shall be conducted before the 90-day on-site visit and every 3 years thereafter at the time of renewal.

Rule 400.1832 Electrical service; maintenance.

Rule 32. The electrical service of a day-care home shall be maintained in a safe condition.

R 400.1833 Exits; location and maintenance; use of certain space for child care prohibited.

Rule 33. (1) There shall be 2 exits in each day-care home from each floor level used by children. The exits shall be remote from each other. At least 1 exit from each floor level shall provide a direct, safe means of unobstructed travel to the outside at street or ground level.

(2) A window may be used as a second exit if it is in compliance with all of the following provisions:

(a) Is accessible to children and caregivers.

(b) Is clearly identified.

(c) Can be readily opened.

(d) Is of a size and design to allow for the evacuation of children and caregivers.

(3) A room or space, including an attic, that is accessible only by a ladder or folding stairway or through a trapdoor shall not be used by children in care.

(4) When children in care occupy a level of a home that is above the second floor, the building shall be of 1-hour-fire-resistive construction and shall have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings shall be enclosed by, at a minimum, 1-hour-fire-resistive construction to provide a protected means of egress direct to the outside at ground level.

R 400.1834 Smoke detectors; fire extinguishers.

Rule 34. At least 1 single-station smoke detector that is approved by a nationally recognized testing laboratory shall be installed and maintained as follows:

(a) On each floor of the home, including the basement.

(b) Where a sleeping or resting area exists on a floor, that floor level's smoke detector shall be installed between the sleeping area and the rest of that floor.

(c) Heat detectors may be utilized in kitchens.

(d) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of not less than 2A-10BC, properly mounted on each floor that is used by children in care.

R 400.1835 Establishment of evacuation and care plan required.

Rule 35. (1) A written plan for the evacuation and care of children shall be established and posted for each of the following emergencies:

(a) Fire.

(b) Tornado.

(c) Serious accident or injury.

(2) A caregiver shall inform each assistant caregiver and emergency person of the overall evacuation plan and of his or her individual duties and responsibilities in the event of an emergency specified in subrule (1) of this rule.

(3) Fire and tornado drill programs shall be established and practiced. Fire drills shall be practiced at least once every 3 months and tornado drills shall be practiced during tornado season.

(4) A written record shall be kept of all drills.

(5) A bell, whistle, or horn shall be provided as a fire alarm and shall not be used for any other purpose.

PART 4. TRANSPORTATION: FIELD TRIPS

R 400.1841 Transportation.

Rule 41. (1) A vehicle used to transport children in care shall be maintained in a good, safe working condition.

(2) Each child passenger restraint device and each safety belt shall be installed, anchored, and used according to the manufacturer's specifications and shall be maintained in a safe working condition.

(3) The transportation of all children shall be conducted in accordance with existing state law. All other persons, including children over the age of 4, shall be properly restrained by safety belts.

R 400.1842 Field trips, parent permission and notification required.

Rule 42. At the time of a child's initial attendance or before each field trip, a caregiver shall obtain, and keep on file, written permission from a child's parent for the child's participation in field trips.

PART 5. TRAINING.

R 400.1851 Training.

Rule 51. With respect to day-care homes, a caregiver shall comply with all of the following provisions:

(a) A family day-care home caregiver shall have completed, or shall complete within 3 years of being registered or from the effective date of these rules, first aid training and infant and child cardiopulmonary resuscitation.

(b) A group day-care home caregiver shall have completed, or shall complete within 2 years of being licensed or from the effective date of these rules, 20 clock hours of training related to caring for children. The 20 clock hours of training shall include first aid training, infant and child cardiopulmonary resuscitation, and not less than 8 hours in the area of child development. Training hours may include participation in any of the following:

(i) Sessions offered by community groups, churches, and day-care home associations.

(ii) Conferences on early childhood or child development.

(iii) Workshops and courses offered by local or intermediate school districts, colleges, and universities.

(c) Keep on file verification of his or her participation in the required training.